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Arizona Corporation Commission

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Commissioner-Chairman

RENZ D. JENNINGS

Commissioner

CARL J. KUNASEK

Commissioner

MAY 26 1998

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IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S COMPLIANCE
WITH § 721 OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. T-00000B-97-0238

COMMENTS OF BROOKS FIBER COMMUNICATIONS OF TUCSON, INC.

The filing made by US WEST Communications, Inc. ("US WEST"), requests that the Arizona Corporation Commission ("Commission") find that US WEST has met six of the fourteen required "checklist" items that it must meet in order to obtain the authority to enter the long distance business within its region. This request is premature and, further, US WEST has provided inadequate documentation to support its claims that it has met even these initial six items.

There is nothing in this filing that demonstrates the either the frequency or quality of service that US WEST is providing to meet these items. The importance of both quality and quantification cannot be underestimated. The regional Bell operating companies continue to file 271 application review requests before state commissions claiming that because certain items are "available", that they have met the checklist item(s). Simple "availability" is a necessary but far from sufficient indication of whether a checklist item has been "met". US WEST should provide data that demonstrates whether such services are actually being provided in the required quantities needed by competitors and on a timely basis. The Commission must also be assured that services

1 are not later effectively "withdrawn" by US WEST's failure to maintain the item. Brooks
2 recommends that the Commission not make any determination that these checklist item(s) have
3 been met until sufficient data has been provided that demonstrates that competitors can get access
4 to the item(s) without significant delay or difficulty.

5 Further, US WEST cannot seriously claim that competitors can get access to these items on
6 terms equal to those under which it provides the services to itself. The manner in which
7 competitors have to request access to these items is not, for the most part, electronic, and therefore
8 is very cumbersome and certainly not at parity with what US WEST's internal provision is for
9 retail customers. Until the item can be shown to be provided to competitors at parity to its internal
10 systems, US WEST is precipitous in claiming that it has met the requirement on the checklist for
11 any item. There is simply no data in this filing on most of the items that would allow the
12 Commission to reach that conclusion.

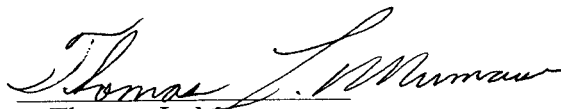
13 Finally, the greatest difficulty in this filing is that it is not possible for the Commission to
14 reach an informed conclusion now about whether the quality and quantity of service items now
15 being provided will be maintained or improved by the time that US WEST claims that it has met
16 all fourteen checklist items and actually files for long distance authority in Arizona. Even if one
17 could determine now that the claimed six items have been met, the Commission will have to
18 reconfirm that same determination in a future filing, based on the evidence at that time rather than
19 upon the unsupported assertions in this filing. Therefore, whatever is determined in response to
20 this filing can have no precedential weight in such future determinations, and thus any hasty
21 conclusions of today will not somehow speed the process of that future review.

22 Rather than reaching a finding that US WEST has "met these checklist items", Brooks
23 urges this Commission to use this proceeding to consider what future evidence it will require US
24 WEST to provide to demonstrate that these items are truly "available", not merely that they can be
25 ordered - - but can be ordered as US WEST orders them, and just as important, that they are
26 provided with the same speed and quality with which US WEST provides the item to itself. In

1 addition, the Commission must demand proof that the item at issue has been maintained in good
2 order over time.

3 RESPECTFULLY SUBMITTED this 26th day of May.

4 SNELL & WILMER L.L.P.

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6 
7 Thomas L. Mumaw

8 Attorneys for Brooks Fiber Communications
9 of Tucson, Inc.

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13 Original and ten copies of the foregoing
14 hand-delivered this 26th day of May, 1998, to:

15 Docket Control
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington
18 Phoenix, AZ 85007

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27 Copies of the foregoing mailed this
28 26th day of May, 1998, to all parties of record.